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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,308	01/14/2002	Chin-Fu Cho	MR1957-1165	6295

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EXAMINER

GIBBS, HEATHER D

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/043,308	CHO, CHIN-FU	
	Examiner	Art Unit	
	Heather D. Gibbs	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) X Responsive to communication(s) filed on 01/27/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) X Claim(s) 1,4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) X Claim(s) 1,4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) X The drawing(s) filed on 01/14/2002 is/are: a) ☐ accepted or b) X objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) X Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) X All b) ☐ Some * c) ☐ None of:
1. X Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,4-10 rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The sensor is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The omitted elements are: a sensor for signaling the processor to control said pair of deflectors in response to a position of said document.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sensor must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

3. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues, Lawniczak does not teach nor suggest " a pair of deflectors respectively disposed on opposing sides of said overlap portion of said looped document passage for controlling passage of said document through said looped document passage to said single document exit". Upon further review, the Examiner questions the importance of a set of deflectors versus a single deflector. Applicant is requested to point out in the specification this significance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawniczak (US 5,438,435).

For claim 1, Lawniczak discloses An image scanning apparatus having a processor, comprising: a paper tray for placing a document having a first side and a second side; a looped document passage extending from said paper try to a single document exit and having an overlap portion where said first side of said document is passed therethrough and subsequently said second side of said document is passed therethrough before passing to said single document exit; a scan module for scanning one or both sides of said document passing through said overlap portion of said looped document passage (Fig 2; Col 4 Lines 63-Col 5 Lines 23) and a drive module for driving said document to pass from said paper tray through said looped document passage to said single document exit, said drive module including (a) a roller assembly spaced along said looped document passage and located in said paper tray for conveying said document therethrough, (b) a drive motor drivingly coupled to said roller assembly, (c) a pair of deflectors respectively disposed on opposing sides of said overlap portion of said looped document passage for controlling passage of said document through said looped document passage to said single document exit, and (d) a sensor for signaling the processor to control said pair of deflectors in response to a position of said document (Fig 2; Col 5 Lines 4-23).

Considering claim 4, Lawniczak discloses a scan module which comprises: a light source for providing a light to said document passing through said overlap portion of said looped document passage to generate a first signal; an optical scanning device,

including a lens and at least a reflector, for reflecting said first signal and focusing said first signal reflected to output a second signal; and a charge-coupled device (CCD) for receiving said second signal to generate an electric signal (Col 4 Lines 50-62; Col 5 Lines 3-9).

For claim 5, Lawniczak teaches a roller assembly that comprises: at least an active roller for producing a friction to convey said document; at least a passive roller for cooperating with said active roller to convey said document; an adjustment plate for aligning a leading edge of said document; a pick-up arm for fixing said active roller and said passive roller; and a cam set for coordinating a document feeding operation between said pick-up arm, said active roller and said passive roller (Col 5 Lines 10-29; 56-64; Fig 2; Fig 8).

For claim 6, Lawniczak discloses wherein said document is scanned as a simplex document or a duplex document responsive to selection of a simplex scanning mode or in a duplex scanning mode (Col 5 Lines 10-24).

Regarding claim 7, Lawniczak teaches a platform corresponding to said overlap portion of said looped document passage, said document is illuminated by said light to generate said first signal when said document passes through said platform (Col 4 Lines 66- Col 5 Line9; Col 7 Lines 33-45).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawniczak (US 5,438,435) in view of Lin (US 6,747,763).

Lawniczak discloses the image apparatus as discussed above.

Lawniczak does not disclose expressly a pressing member corresponding to said overlap portion of said cross-shaped document passage, said document is pressed evenly by said pressing member when said document passes through said platform and wherein said pressing member further comprised a spring and a flat plate.

Lin discloses a pressing member corresponding to said overlap portion of said looped document passage, said document is pressed evenly by said pressing member when said document passes through said platform and wherein said pressing member further comprised a spring and a flat plate (Col 2 Lines 19-34; Fig 5).

Lawniczak & Lin are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Lin with Lawniczak.

The suggestion/motivation for doing so would have been to press the incident member against the transparent window to sensitize the image sensor.

Therefore, it would have been obvious to combine Lin with Lawniczak to obtain the invention as specified in claims 8-10.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

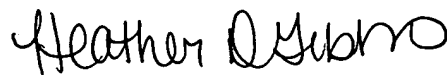
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs
Examiner
Art Unit 2625

hdg



THOMAS D. LEE